

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

LP MATTHEWS, L.L.C.)	
)	
Plaintiff,)	
)	C.A. No. 04-1507-SLR
v.)	
)	
BATH & BODY WORKS, INC.; LIMITED)	
BRANDS, INC.; KAO BRANDS CO.)	
(f/k/a THE ANDREW JERGENS)	
COMPANY); and KAO CORPORATION)	
)	
Defendants.)	

**AMENDED OBJECTIONS TO DEFENDANT KAO BRANDS COMPANY'S
NOTICE OF DEPOSITION OF PHILIP A. LOW**

Non-party Philip A. Low and plaintiff LP Matthews, L.L.C. object to defendant Kao Brands Company's November 16, 2005 Notice of Deposition under Fed. R. Civ. P. 30 (D.I. 124). Mr. Low is not a party to this action. Nor is he an officer of plaintiff LP Matthews. Accordingly, he cannot be deposed pursuant to Rule 30 alone. Finally, subpoena(s) under Rule 45 served on Mr. Low, which appear to be related to the notice, do not comply with the Federal Rules of Civil Procedure or the Local Rules of the District of Colorado because, among other things, the issuing authority did not confer with the non-party or his attorney prior to service. Philip Low further objects to cumulative or duplicative examination. Plaintiff LP Matthews similarly objects to cumulative or duplicative examination, particularly since the defendants have made similar (though incomplete and unsubstantiated) invalidity contentions. Both Philip Low and LP Matthews note that the defendants have not attempted in advance to coordinate their subpoenas of non-party witnesses, though they have intimated an intent to "coordinate" depositions of non-parties that they have served with multiple subpoenas.

ASHBY & GEDDES

/s/ *Lauren E. Maguire*

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Dated: January 12, 2006
165552.1

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of January, 2006, the attached **AMENDED
OBJECTIONS TO DEFENDANT KAO BRANDS COMPANY'S NOTICE OF
DEPOSITION OF PHILIP A. LOW** was served upon the below-named counsel of record at the address and in the manner indicated:

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